

Message Text

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ACTION SCS-05

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TO SECSTATE WASHDC PRIORITY 2196

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E.O. 11652: N/A

TAGS: CARR

SUBJ: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD.

REF: STATE 147704

A) PUBLIC LEGAL COUNSEL TO PRISONERS WHO CAN NOT PAY FOR AN ATTORNEY IS AVAILABLE. IN ADDITION, LOCAL PRISONS HAVE LEGAL ADVISORS WHO WILL ASSIST PRISONERS FOR NO CHARGE IN PREPARING COURT DOCUMENTS AND PETITIONS TO THEIR JUDGES.

B) A PUBLIC DEFENDER IS APPOINTED BY THE JUDGE AND SERVES WITHOUT COMPENSATION. CONSEQUENTLY HIS MOTIVATIONS TO ASSIST HIS CLIENT MAY BE LOW. AT BEST HE MAY ACCOMPANY THE PRISONER WHEN HE IS CALLED TO THE COURT, VISIT HIM AT THE JAIL, AND PREPARE BRIEFS. AT WORST THE PRISONER MAY NEVER SEE HIS PUBLIC DEFENDER WHO WILL LIMIT HIS ACTION ONLY TO FILING THE ROUTINE BRIEFS NEEDED TO PROCESS THE CASE IN COURT. WHILE A LAWYER HAS A STRONG PROFESSIONAL AND LEGAL RESPONSIBILITY TO DEFEND HIS DESTITUTE CLIENTS TO THE BEST OF HIS ABILITY IT IS DIFFICULT TO CLEARLY ESTABLISH AN ATTORNY'S NEGLECT OF DUTY.

C) THE PERFORMANCE OF PRIVATELY HIRED ATTORNEYS AND PUBLIC
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DEFENDERS IN DRUG CASES HAS BEEN GENERALLY THE SAME. THE POST BELIEVES THAT THE PERFORMANCE OF PRIVATELY HIRED ATTORNEYS IN NON-NARCOTIC CASES WOULD BE MORE CONSISTENTLY ADEQUATE AND SUPERIOR TO THAT OF PUBLIC DEFENDERS.

APEL

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